

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-04974 MEJ	DATE FILED 10/7/2011	U.S. DISTRICT COURT Northern District of California, San Francisco
PLAINTIFF DENNIS FERNANDEZ		DEFENDANT MICROSOFT CORP.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,221,387		**SEE ATTACHED COMPLAINT**
2 7,355,621		
3 6,339,842		
4 8,032,915		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Mark J. Jenkins	DATE October 11, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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21 IN THE UNITED STATES DISTRICT COURT
22 FOR THE NORTHERN DISTRICT OF CALIFORNIA

23 DENNIS FERNANDEZ,

24 Plaintiff,

25 v.

26 MICROSOFT CORPORATION.

27 Defendant.

28 Case No. **11**

4974

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

ORIGINAL
FILED
OCT - 7 2011
RECEIVED BY MAIL
CLERK OF DISTRICT COURT
E-11119

MEJ

1 Plaintiff, Dennis Fernandez, complains of Defendant Microsoft Corporation and alleges as
2 follows:

3 **NATURE OF THE SUIT**

4 1. This is a claim for patent infringement arising under the patent laws of the United
5 States, Title 35 of the United States Code.

6 **PARTIES**

7 2. Dennis Fernandez is a resident of Atherton, California, located in San Mateo County,
8 California.

9 3. The patents-in-suit are U.S. Patent No. 7,221,387 entitled "Digital Television With
10 Subscriber Conference Overlay," which issued on May 22, 2007 (the "'387 patent," Exhibit A) and
11 U.S. Patent No. 7,355,621 entitled "Digital Television With Subscriber Conference Overlay," which
12 issued on April 8, 2008 (the "'621 patent," Exhibit B), U.S. Patent No. 6,339,842 entitled "Digital
13 Television With Subscriber Conference Overlay," which issued on January 15, 2002 (the "'842
14 patent," Exhibit C), and U.S. Patent No. 8,032,915 entitled "Digital Television with Subscriber
15 Conference Overlay," which issued on October 4, 2011 (the "'915 patent," Exhibit D). The '387,
16 '621, '842, and '915 patents generally cover devices and methods for on-line conferencing in
17 gaming devices.

18 4. Dennis Fernandez owns and has all right, title and interest in the '387, '621, '842, and
19 '915 patents, including all claims for damages by reason of past, present or future infringement, with
20 the right to sue for and collect damages for the same and, therefore, has standing to sue for
21 infringement of the '387, '621, '842, and '915 patents.

22 5. Microsoft Corporation ("Microsoft") is a Washington Corporation with its
23 headquarters located in Redmond, WA. Microsoft designs, develops, offers for sale and sells
24 nationwide, including substantial sales in this judicial district, products that are covered by claims
25 17, 48, and 51 of the '387 Patent, claims 6 and 8 of the '842 patent, claim 35 of the '621 patent, and
26 claim 11 of the '915 patent including Microsoft Xbox and Xbox Live.

27 **JURISDICTION AND VENUE**

28 6. This Court has exclusive jurisdiction over the subject matter of this action under 28

1 U.S.C. § 1338(a).

2 7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) because
3 Microsoft transacts business in this district and have committed acts of infringement in this judicial
4 district.

5 **PATENT INFRINGEMENT**

6 8. Microsoft has made, used, sold, offered for sale, and/or imported products with on-
7 line conferencing capabilities, including but not limited to the Xbox and Xbox Live products. These
8 acts by Microsoft have directly infringed at least claims 17, 48, and 51 of the '387 patent, claims 6
9 and 8 of the '842 patent, claim 35 of the '621 patent, and claim 11 of the '915 patent within the
10 meaning of 35 U.S.C §271(a).

11 9. Microsoft has also committed and unless ceased upon filing of this Complaint, will
12 continue to commit acts that constitute, with its knowledge of the '387, '621, '842 and '915 patents,
13 knowing and intentional inducement of infringement of at least claims 17, 48, and 51 of the '387
14 patent, claims 6 and 8 of the '842 patent, claim 35 of the '621 patent, and claim 11 of the '915 patent
15 by others within the meaning of 35 U.S.C. §271(b) through, among other things, its acts of providing
16 on-line conferencing capabilities through at least its Xbox and Xbox Live products, and
17 demonstrating and instructing users of Xbox and Xbox Live how to install and utilize the Xbox and
18 Xbox Live product through, for example, on-line instructions available through its web site,
19 <http://support.Xbox.com>, or through other user guides or manuals. Microsoft has committed, and
20 will continue to commit, these acts with knowledge of the '387, '621, '842, and '915 patents and
21 with knowledge of infringement of these patents through the use of Microsoft's Xbox and Xbox
22 Live product by Microsoft and other users.

23 10. Microsoft has had this knowledge since August 31, 2006 when it was notified of its
24 infringement of the '842 patent, July 23, 2007, when it was notified of its infringement of the '387
25 patent, and June 3, 2011, when it was again notified of its infringement of the '842 and '387 patents,
26 as well as the '621 patent. Microsoft has had knowledge of the '915 patent since the filing of this
27 Complaint.

28 11. Users of Xbox and Xbox Live, in turn, who have used such products directly infringe

1 at least claims 17, 48, and 51 of the '387 Patent, claims 6 and 8 of the '842 patent, claim 35 of the
2 '621 patent, and claim 11 of the '915 patent within the meaning of 35 U.S.C. §271(a) through the
3 use and operation of the Xbox and Xbox Live products.

4 10. The Defendant's direct infringement and/or inducement to infringe has injured
5 Dennis Fernandez, and Dennis Fernandez is entitled to recover damages adequate to compensate him
6 for such infringement, but in no event less than a reasonable royalty.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff, Dennis Fernandez, respectfully requests this Court enter judgment
9 against defendants and against their subsidiaries, successors, parents, affiliates, officers, directors,
10 agents, servants, employees, and all persons in active concert or participation with them, granting the
11 following relief:

12 A. The entry of final judgment in favor of Dennis Fernandez;

13 B. An award of damages adequate to compensate Dennis Fernandez for the infringement
14 which has occurred, together with prejudgment interest from the date infringement began, but in no
15 event less than a reasonable royalty as permitted by 35 U.S.C. § 284; and

16 C. Such other further relief as this Court or a jury may deem proper.

17 **JURY DEMAND**

18 Dennis Fernandez demands a trial by jury on all issues presented in this Complaint.

19 Dated: October 7, 2011

Respectfully submitted,

20 By: 

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